



impending settlement of the first-filed suit and that Bayou City's citizen suit is barred by 33 U.S.C. § 1365(b)(1)(B), which argument is the basis of the City's motions to dismiss pending in that suit.<sup>2</sup> In their most recent joint report, the United States, the State of Texas, and the City of Houston indicate that "the negotiating teams have reached agreement or near agreement on all major provisions of a proposed comprehensive compliance plan or injunctive relief package," and that they "expect to reach or come very close to reaching a proposed final settlement" within forty-five days of the December 21, 2018 status report.<sup>3</sup>

Given the parties' progress in nearing a comprehensive settlement, which the Court prefers not to be delayed by needless complications, and considering that the motions to dismiss pending before Judge Hanen in the citizen suit will, if granted, moot the motion to consolidate, it is presently in the interest of efficiency and the administration of justice not to consolidate the cases. Accordingly, it is

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<sup>2</sup> Document Nos. 24, 26.

<sup>3</sup> Document No. 23 at 5, 11.

ORDERED that Plaintiff-Intervenor Bayou City Waterkeeper's Opposed Motion to Consolidate (Document No. 22) is DENIED.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 16<sup>TH</sup> day of January, 2019.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE